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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,283	03/22/2004	Kin Yu Wong	403022	8976
23548	7590	11/09/2004		
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER FISHMAN, MARINA	
			ART UNIT 2832	PAPER NUMBER

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,283

Applicant(s)

WONG, KIN YU

Examiner

Marina Fishman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

General status

1. This is a First Action on the Merits. Claims 1 - 11 are pending in the case and are being examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Piber [3,829,645].

Piber discloses a trigger assembly for an electric power tool, comprising:

- a switch [2] for electrical connection to a power tool (power tool is not positively recited), for controlling operation of the power tool;
- a trigger [6] coupled with the switch, the trigger having an upper and lower ends and being pivotable about the upper end [18], between an outer position in which the switch is open and an inner position in which the switch is closed [Figures 1 and 3]
- a locking member [18, 18a] located adjacent the lower end for locking the trigger in the outer position, the locking member being movable from a locking position locking the trigger in the

outer position to an unlocking position, releasing the trigger
[Column 3, lines 25-55].

Regarding Claims 2 and 3, the locking member [18, 18a] is located inside the lower trigger end.

Regarding Claims 8-10, a fixture [hole at 20a, Figure 3] is disclosed for locking the trigger in outer position, the locking member [18a] being movable by pressing the knob 24 from locking position to an unlocking position. Regarding Claim 10, the hole [20a] is located on a projection of plate [20].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piber [3,829,645] in view of Yeske [US 3,777,092].

Piber, discloses all the elements of the claimed invention including a spring [22], a release member [24] accessible on the outside of the trigger and in engagement with the trigger for manual movement of the locking member to the unlocking position against action of a spring [Claim 5], a rod [18] connecting the release member [24] to the locking member [18a] and the spring being disposed on the rod [Claim 6]; the release member comprises a knob [24] slidably supported on the trigger [Claim 7]. However, Piber does not disclose a spring located inside the lower end of the trigger.

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Yeske [Figure 5] discloses a trigger for a tool, wherein the spring [102] is located inside the lower end of the trigger. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trigger of Piber and provide spring inside the trigger as suggested by Yeske, so that the locking mechanism design is more compact.

Allowable Subject Matter

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of "a separate locking member located adjacent the upper end of the trigger for locking the trigger in the inner position" defines the Claim over the art of record.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reimann et al. [US 3,953,696], Park et al. [US 2,947,840], Sahrbacker [US 3,329,789], Suzuki [US 4,180,716], Cranmore [US 2,928,921] and Inuyama [US 5,012,057] all disclose design of trigger with locking mechanism.

Applicant also should consider these references in response to this office action.

Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
November 3, 2004


ELVIN ENAD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2832
11/04/04